

Amendment and Response

Applicant: Ian D. Gaston et al.

Serial No.: 10/691,261

Filed: October 22, 2003

Docket No.: 200901405-1

Title: METHOD FOR STANDARDIZING REPORTING OF ISSUES, ASSUMPTIONS, AND RISKS FOR A RISK REVIEW BOARD

REMARKS

The following remarks are made in response to the Office Action mailed September 8, 2009. Claims 1, 2, 4-7, 9-12, and 14-21 were rejected. With this Response, claims 1, 6, 11, and 16-21 have been amended. Claims 1, 2, 4-7, 9-12, and 14-21 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1, 2, 5-7, 10-12, and 15-21 under 35 U.S.C. § 103(a) as being unpatentable over Falso et al., U.S. Patent Application Publication No. 2003/0125965 (“Falso”), Wolff et al., U.S. Patent No. 5,774,887 (“Wolff”), and further in view of Hitchcock et al., U.S. Patent No. 6,460,042 (“Hitchcock”).

Applicants submit that Falso, Wolff, and Hitchcock, either alone, or in combination, fail to teach or suggest the limitations recited by amended independent claim 1 including **presenting via the computer system with forms for entering information about risk management units including assumptions, risks, issues, and risk plans; allocating via the computer system an assumption reference number to each assumption; allocating via the computer system a risk reference number to each risk; allocating via the computer system an issue reference number to each issue; and allocating via the computer system a risk plan reference number to each risk plan.**

Falso discloses a contract risk management system that receives information relating to a particular proposed contract, which may include one or more risk variations or variations to a standard form of contract. (Abstract). Figures 1-4 of Falso illustrate sample display pages of a contractual risk management system. Figure 1 is a display page used to collect general information describing a proposed contract and its proposed variations. (Para. [0023]). Figure 2 is a display page used to collect information about risk factors associated with a particular proposed contract. (Para. [0027]). Figure 3 is a display page used to collect information about a proposed contract and about approval of high-risk terms of the proposed contract. (Para. [0029]). Figure 4 is a display page used to collect information about the person responsible for a proposed contract. (Para. [0034]).

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The display pages disclosed by Falso fail to teach or suggest forms for entering information about *risk management units including assumptions, risks, issues, and risk plans*. In addition, Falso does not teach or suggest *allocating an assumption reference number to each assumption; allocating a risk reference number to each risk; allocating an issue reference number to each issue; and allocating a risk plan reference number to each risk plan*. Wolff and Hitchcock also fail to teach or suggest forms for entering information about *risk management units including assumptions, risks, issues, and risk plans* and allocating a reference number to each of them.

Further, the Examiner submits that the specific information that is entered in the form does not change the function of claimed invention, that the combination of Falso, Wolff, and Hitchcock is fully capable of providing a form that is capable of receiving any type of information, and that the specific information being entered into the form is nonfunctional descriptive material. (Office Action, page 5). The specific information including the assumptions, risks, issues, and risk plans are not nonfunctional descriptive material since they are each allocated a reference number via the computer system (i.e., a functional limitation) as recited by claim 1. The combination of Falso, Wolff, and Hitchcock does not teach or suggest allocating a reference number to each assumption, each risk, each issue, and each risk plan.

In view of the above, Applicants submit that the above rejection of independent claim 1 under 35 U.S.C. § 103(a) should be withdrawn. Dependent claims 2, 5, 16, and 17 further define patentably distinct independent claim 1. Accordingly, Applicants believe that these dependent claims are also allowable over the cited references.

For similar reasons as discussed above with reference to independent claim 1, Applicants submit that Falso, Wolff, and Hitchcock, either alone, or in combination, also fail to teach or suggest the limitations recited by amended independent claim 6 including **first instructions for presenting with forms for entering information about risk management units including assumptions, risks, issues, and risk plans; fifth instructions to allocate an assumption reference number to each assumption; sixth instructions to allocate a risk reference number to each risk; seventh instructions to allocate an issue reference number to each issue; and eighth instructions to allocate a risk plan reference number**

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to each risk plan; and the limitations recited by amended independent claim 11 including first means for presenting with forms for entering information about risk management units including assumptions, risks, issues, and risk plans; fifth means for allocating an assumption reference number to each assumption; sixth means for allocating a risk reference number to each risk; seventh means for allocating an issue reference number to each issue; and eighth means for allocating a risk plan reference number to each risk plan.

In view of the above, Applicants submit that the above rejection of independent claims 6 and 11 under 35 U.S.C. § 103(a) should be withdrawn. Dependent claims 7, 10, 12, 15, and 18-21 further define patentably distinct independent claim 6 or 11. Accordingly, Applicants believe that these dependent claims are also allowable over the cited references.

Further, the Examiner submits that claims 16-21 recite nonfunctional descriptive material. (Office Action, page 6). Claims 16-21 have been amended to recite functional limitations. Applicants submit that the combination of Falso, Wolff, and Hitchcock fail to teach or suggest the functional limitations recited by amended claims 16-21.

The Examiner rejected claims 4, 9, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Falso, Wolff, and Hitchcock, and further in view of Engert et al. “Risk Matrix User’s Guide” (“Engert”).

Dependent claims 4, 9, and 14 further define patentably distinct independent claim 1, 6, or 11. Accordingly, Applicants believe that these dependent claims are also allowable over the cited references.

Therefore, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103 rejections to claims 1, 2, 4-7, 9-12, and 14-21, and request allowance of these claims.

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CONCLUSION

In view of the above, Applicants respectfully submits that pending claims 1, 2, 4-7, 9-12, and 14-21 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 2, 4-7, 9-12, and 14-21 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005.

Respectfully submitted,

Ian D. Gaston et al.,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2003
Facsimile: (612) 573-2005

Date: December 8, 2009

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/Patrick G. Billig/

Patrick G. Billig

Reg. No. 38,080